IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.7560 of 2000

Dated: 10-08-2007

Between:

T. Susheela Reddy, w/o T. Alexander Reddy.

... Petitioner

and

1. Municipal Corporation of Hyderabad,
   rep. by its Deputy Commissioner,
   Circle No.IV, Khairatabad,
   Hyderabad and another.

... Respondents

ORDER:

Petitioner states that he and his daughter purchased an old house in Vijayanagar colony under a registered sale deed dated 31-05-1990 and thereafter he wanted to construct a new building after demolishing the existing old house. Accordingly, he applied for permission for the construction of ground floor, first floor and the authorities of the respondent Corporation granted permission to make constructions in the ground floor as well as in the first floor. However, it appears after the completion of the first floor, without obtaining any

permission from respondents, he completed the construction of second and third floors.

As G.O.Ms.No.419, Municipal Administration & Urban Development (M1) Department, dated 30-07-1998 enabled the said unauthorized constructions to be regularized, he gave an application seeking regularization of the constructions made in the second floor alone under a *bona fide* impression that after getting regularization of the second floor he has to give another application for regularization of the third floor. As the said application is only for regularization of the constructions made in the second floor, respondents by collecting the necessary fee and also the penal fee regularized the said construction. Insofar as the third floor is concerned, as the said construction is unauthorized and there is no regularization, respondents issued show cause notice and at that juncture, he approached this Court and filed the present writ petition.

2. A counter affidavit is filed on behalf of respondents wherein it is stated that without submitting any explanation to the show cause notice issued by respondents, petitioner approached this Court and filed the present writ petition with all untenable allegations.

3. Heard learned counsel for the parties.

4. From a perusal of the record, it is clear that petitioner without giving any application seeking regularization of the constructions made in the third floor and without submitting any explanation to the notice dated

22-04-2000 issued by respondents approached this Court and filed the present writ petition. Hence, this Court is of the view that the writ petition is premature. Hence, I see no merits. However, having regard to the facts and circumstances of the case, I deem it appropriate to

dispose of the writ petition with a direction to petitioner to offer his explanation to the notice impugned, within a period of four weeks from the date of receipt of a copy of this order, stating as to why he could not give an application seeking regularization of the third floor also, at the time when he was seeking regularization of the unauthorized constructions made in the second floor. On such explanation being offered by petitioner, respondents may consider the same and pass appropriate orders in accordance with the Andhra Pradesh Regularisation of the Unauthorised Constructions in Municipal Corporations, Municipalities and Urban Development Authorities Act, 2003. As this Court, while issuing *Rule nisi,* directed respondents not to demolish the structures, the said arrangement shall continue pending consideration of the said explanation offered by petitioner.

5. With the above directions, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.10-08-2007
GLV